



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV 06 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7005 3110 0000 5966 6166

Dr. Edward A. Nyarko, Coordinating Manager B
Fire and Safety
Harlem Hospital Center
16 W 137th Street
New York, NY 10037

**Re: Notice of Violation
Harlem Hospital Center
EPA ID #184112241**

Dear Dr. Nyarko:

This Notice of Violation is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901, 6928.

Pursuant to RCRA, as amended by HSWA, the U. S. Environmental Protection Agency (EPA) promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272.

For the purposes of this Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

From a review of manifests, it has been determined that the facility is a Small Quantity Generator (SQG) of hazardous waste. On or about July 17, 2014, a Compliance Evaluation Inspection (CEI) was conducted at the Harlem Hospital Center (HHC) located at 506 Lenox Avenue, New York, NY 10037. As a result of the CEI, the following violations of the RCRA regulations were determined:

1. Pursuant to 6 NYCRR § 372.2(a)(2), a generator of hazardous waste must make a determination as to whether or not his solid waste is a hazardous waste.

At the time of the inspection, Harlem Hospital Center had four small containers in the main container storage area and the contents of the containers were not identified.

2. Pursuant to 6 NYCRR § 372.2 (a)(8)(i) (a)(2), containers accumulating hazardous waste must be marked with the words "hazardous waste" and other words to identify the contents.

At the time of the inspection, HHC was accumulating hazardous waste in five 5 gallon containers in the histology laboratory and one 1 gallon container in the cytology laboratory and the containers were not marked with the words "hazardous waste" and other words to identify the contents.

3. Pursuant to 6 NYCRR § 373.3-9(d)(3), each container in a hazardous waste container storage area must be marked with the words "hazardous waste" and other words to identify their contents.

At the time of the inspection, HHC was storing three 5 gallon, three 4 liter, and ten 1 gallon containers of hazardous waste in the main container storage area and the containers were not marked the words "hazardous waste" and other words to identify their contents.

4. Pursuant to 6 NYCRR § 372.2(a)(8)(ii), a Small Quantity Generator (SQG) may store hazardous waste for 180 days or less without a permit, provided that the date upon which each period of accumulation is clearly marked and visible for inspection on each container.

At the time of the inspection, HHC was storing three 5 gallon, three 4 liter, and ten 1 gallon containers of hazardous waste in the main container storage area and the accumulation start dates were not marked on the containers.

5. Pursuant to 6 NYCRR § 373.3(f), the owner and operator storing hazardous waste in a hazardous waste container must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility in an emergency unless aisle space is not needed.

At the time of the inspection, HHC stored nine 18 gallon and one 55 gallon containers in the Pharmaceutical Container Storage Area and there was not adequate aisle space as per requirement.

6. Pursuant to 6 NYCRR § 374-3.2(e)(5), a small quantity handler of universal waste must label each lamp or container with the words "Universal Waste-Lamps" or "Waste Lamps" or "Used Lamps".

At the time of the inspection, HHC did not label 16 boxes of 8 foot spent fluorescent lamps which were stored in the Universal Waste Area.

7. Pursuant to 6 NYCRR § 374-3.2(e)(1), a small quantity handler of universal waste must be able to demonstrate the length of time that universal waste was accumulated by marking the date, by inventory or by any other method.

At the time of the inspection, HHC did not mark the dates on 16 boxes of the spent fluorescent light bulbs and was unable to demonstrate the length of time these universal waste were accumulated.

Please submit, within thirty (30) days of the receipt of this correspondence, a response which includes [1] a description of the actions you have taken to correct the violations described above, [2] documentation demonstrating that the violations have been corrected and (3) steps taken to prevent a recurrence of the violations.

Failure to comply and submit the documentation requested in this Notice of Violation may subject you and/or your company to the enforcement provisions of Section 3008 of RCRA, 42 U.S.C. § 6928.

If you have any questions regarding this letter, please contact Mr. Abdool Jabar at 212 637-4051.

Sincerely yours,



Leonard Voo, Chief
Hazardous Waste Compliance Branch

cc: Russ Brauksieck, Supervisor
Hazardous Waste Compliance Unit
New York State Department of Environmental
Conservation

